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WESTERN DISTRICT OF LOUISIANA
SHREVEPORT, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

ANGELO DAVENPORT

CIVIL ACTION NO. 97-1173-P

versus

JUDGE WALTER

HUGO HOLLAND

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

This case is one of six lawsuits filed by Plaintiff in 1997 asserting various civil rights claims. In three of the civil actions, 97-1170, 97-1315 & 97-1700, Plaintiff's complaints were stricken because he failed to pay the necessary filing fees. The other three civil actions, 97-1171, 97-1172 & 97-1173, were examined on the merits, found to be frivolous and dismissed. In 97-1171, the docket sheet reflects that, after the suit was dismissed as frivolous, money was deducted from Plaintiff's prison account on a regular basis until the entire filing fee was paid in full. (Actually, more was deducted than was required, and Plaintiff was issued a refund by the Clerk of Court on August 19, 1999.) In 97-1172, only a partial payment was ever made. In 97-1173, no part of the filing fee was ever paid.

On June 21, 2006, Plaintiff submitted a letter to the Clerk of Court (which has been docketed as a motion in each of the above described six civil actions) complaining that, after his suits were stricken from the record for not paying the filing fee, the full amount of the filing fees was later taken from his prison account. Plaintiff seeks to reopen each of the six cases for further proceedings.

Plaintiff's motion is denied. As explained above, only three of his civil actions filed in 1997 were stricken for failure to pay the filing fee. The record in each of those three cases shows (and the undersigned has independently confirmed with the financial department of the Clerk of Court) that no filing fees were ever paid in those three cases. The full filing fee was paid in 97-1171 and a partial filing fee was paid in 97-1172, but both of those matters were dismissed as frivolous after a review of the merits of the cases.

Plaintiff never paid any part of a filing fee in connection with the three cases that were stricken for failure to pay the filing fees. Accordingly, there is no basis to reopen the cases.

THUS DONE AND SIGNED at Shreveport, Louisiana, this 7th day of July, 2006.



MARK L. HORNSBY
UNITED STATES MAGISTRATE JUDGE